S.B. CIVIL WRIT PETITION NO.2111/2002

M/s. Mineral Oriental Ltd. vs. State of Raj. and others

Date : 4.2.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Vineet Kothari, for the petitioner.

Mr. V.K. Mathur, for respondent Union of India.

Mr. Shyam Ladrecha, Addl.GA, for respondent State.

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Heard learned counsel for the parties.

The petitioner is seeking the only relief by this writ petition, that the petitioner’s application for grant of subsidy may be considered.

According to learned counsel for the petitioner, the petitioner submitted an application for grant of subsidy under Central Investment Subsidy Scheme on 8/12.12.1987, copy whereof has been placed on record as Annex.2. The petitioner submitted in his application that despite several representations and even after the recommendation of the State Financial Corporation, subsidy has not been granted to the petitioner. According to learned counsel for the petitioner, the petitioner's application was filed within the prescribed period.

The respondents came with the reply that the petitioner's application for grant of subsidy was rejected by the order dated 28.2.2002 as the petitioner did not submit the certificates of Chartered Accountant and Engineer, required for grant of subsidy.

The petitioner submitted rejoinder and stated that as many as 14 industrial units were granted subsidy by the SLSC even though they were not having certificates of chartered account and engineer and the units have been granted subsidy as the assets were valued by the RFC.

In view of the above mentioned facts and in view of the voluminous documentary evidence placed by the petitioner, it will be just and proper to direct the respondents to consider the petitioner's application for grant of subsidy in accordance with the Rules afresh.

Accordingly, this writ petition is disposed of with a direction to the respondents to consider the petitioner's application for grant of subsidy in accordance with the Rules afresh and in case, the petitioner is found entitled for subsidy, the same may be allowed irrespective of the fact that any order has been passed by the respondents on 28.2.2002. However, it is made clear that all the contentions which have been raised by the petitioner in this writ petition and all the documents on the basis of which the petitioner is seeking claim for subsidy, may be brought to the notice of the concerned authority by the petitioner. The concerned authority will decide the said application within a period of three months from the date of submission of the copy of this order by the petitioner.

(PRAKASH TATIA), J.

S.Phophaliya